(1)

(3)

C.S. 100/

S.B.

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

WRIT PETITION NO. 2365 / 2004

PETITIONER : Sheetal Das Panika, S/o Shri Dayadas Panika, Aged about 32 years , R/o Village – Soniyadih, Tehsil – Bilaigarh, District- Raipur, C.G.

P. R. No. 2354/04
Presented by Shri Satyendra Sahu
dated

VERSUS

RESPONDENTS : 1. State of Chhattisgarh through the Collector, District Raipur, Raipur , C.G.

2. Pardeshiram S/o Shri Firtu Ram Mehar R/o Village – Soniyadih, Tehsil – Bilaigarh, District- Raipur, C.G.

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2-8-04
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI AND ANY OTHER WRITS, DIRECTIONS OR ORDERS.

The petitioner named above begs to submit as under :-

XI-HC-78

(41)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 2365/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

09.10.2006

Shri Satyendra Sahu, counsel for the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondent no.1, on advance copy.

At the very out set, learned counsel for the petitioner submits that he is not pressing I.A.No.7530/2004, which is an application for amendment. He prays for hearing this matter on admission.

Accordingly, I.A.No.7530/2004 stands dismissed, as not pressed.

Arguments on admission heard.

Order dictated as follows:

ORAL ORDER
(9.10.2006)

Sunil Kumar Sinha, J

By way of this writ petition filed under Article 226/227 of the Constitution of India, the petitioner has prayed for quashing of the order dated 19.7.2004, passed by the Board of Revenue in Revenue Appeal No.472/A-56/2002-2003. By the said order, the Board while rejecting the appeal filed by this petitioner, confirmed the order of the Sub-Divisional Officer passed on 29.6.2002 in Revenue Appeal No.77/A-56/2001-2002.

The brief facts are that the respondent no.2 herein, was previously working as Kotwar of the village Soniyadih, Tehsil Bilaigarh, Distt. Raipur (C.G). On some complaints being made by the villagers, he was removed from the said post by the concerned Tahsildar. It is stated that in the meanwhile, the petitioner was

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.2365/ **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

appointed as an *ad-hoc* Kotwar of the village. The respondent no.2 filed appeal before the Sub Divisional Officer. The appeal was allowed. After allowing the appeal by the Sub-Divisional Officer, the petitioner challenged the said order before the Board of Revenue and the said Board, ultimately after hearing the parties dismissed the said appeal filed by the petitioner and confirmed the order passed by the Sub- Divisional Officer. It has been observed by the Board while passing the order in paragraph 6 of the impugned order that in the present case, before removing respondent no.2, no show cause notice etc., was given to him and on these counts, the order of removal was held to be illegal. It has also been observed by the Board that it has not been established in this case that respondent no.2 has given his service land on lease/sub-lease to the other persons, thereby violating his service conditions. The Board has clearly observed that on these facts, a detailed enquiry was required to be done before removal of respondent no.2.

There appears to be no illegality in the order passed by the Board of Revenue in its second appellate Jurisdiction, confirming the order of setting aside the removal of respondent no.2 by the Sub-Divisional Officer.

This petition has no merits and the same is dismissed.

In view of the above, M.W.P. 2102/2004 for grant of interim relief and I.A.Nos.5337/2004 & 9593/04 for urgent hearing and I.A.No.9226/2006 for out of turn listing of the case, all stand disposed of.

Sd/-
Sunil Kumar Sinha
Judge

12/10/06 Rao